

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52882 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- KESARIA District- East Champaran

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RANJAN SHARMA S/O NARATH SHARMA @ NARAD SHARMA @
NARAD THAKUR RESIDENT OF VILLAGE- SAGAR CHURAMAN, P.S-
KESHARIYA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioner is in custody in connection with Kesariya P.S. Case No. 435 of 2022 for the offence under sections 302 and 34 of the Indian Penal Code lodged on 03.09.2022 by the informant, Bachcha Singh.

As per the prosecution story, the allegation by the informant is that his son went to sleep in the hut but after sometime, he got a phone call on and left on motorcycle. Next day, his dead body was recovered. Accordingly, the F.I.R. against unknown.

The name of the petitioner cropped up in the confessional statement of Arjun Kumar.

Learned counsel for the petitioner submits that he is not an accused in this case, his name has come in the confessional statement of Arjun Kumar who has since been granted bail by a co-ordinate Bench vide Cr. Misc. No. 7231 of



2023 (Annexure-2 to the petition).

Learned APP, on the other hand, submits that the trial is at advance stage.

To this, learned counsel for the petitioner submits that he will be diligently appearing in trial and in case of his failure, even for a single day, the prosecution shall be entitled to take steps for cancellation of his bail.

Taking into account the aforesaid facts put forward by the rival parties, the name of the petitioner has come in the confessional statement of Arjun Kumar who has since been released on bail, as stated above, is in custody since 13.10.2022, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Kesariya P.S. Case No. 435 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so even for a single day without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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